Remarks

Interview Summary

Examiner suggested that adding an excipient to claim 27 may overcome the § 112 rejection. Applicants have made that amendment as suggested.

Examiner also suggested that canceling claim 28 from copending application would overcome the statutory double patenting rejection. Applicants have cancelled this claim in a preliminary amendment.

Examiner also suggested that filing a terminal disclaimer may overcome the obviousness-type double patenting rejection. The terminal disclaimer is also filed herewith.

Examiner also suggested that providing literature support for the diseases or conditions in claim 27 may overcome the enablement rejection. Applicants provide herein support for some of the diseases or conditions and delete the others.

Support for the disease or conditions in claim 27

allergic conditions, asthma, allergic asthma, allergic rhinitis

Mitsumori and coworkers (*J. Med. Chem.* 2003, 46, 2436-2445) teaches that "PGD2 is considered to be an important mediator in various allergic diseases such as allergic rhinitis, atopic asthma, allergic conjunctivitis, and atopic dermatitis" (first paragraph) and that "[t]he present study using our PGD2 receptor antagonist provides experimental evidence suggesting its effectiveness for alleviating various allergic diseases" (Conclusion, p. 2440). Since the claimed compound is also a PGD_2 antagonist, it is believed to be effective in treating these diseases.

inflammatory conditions, mucus secretion disorders, nasal congestion, nasal inflammation, rhinorrhea, perennial rhinitis

Pons (*European Journal of Pharmacology* 261 (1994) 237-247) teaches that a prostaglandin D2 analogue has both pro- and anti- inflammatory effects. Thus, a prostaglandin antagonist should also have both pro- and anti- inflammatory effects, and may be useful in treating these inflammatory conditions.

occlusive vascular diseases, pulmonary congestion, pulmonary hypotension

These are also inflammatory conditions. So according to Pons, these may also be effectively treated by the claimed prostaglandin D2 antagonist.

pain

Eguchi (Proc. Nat. Acad. Sci. 96: 726-730, 1999) and Uda (Brain Res. 510: 26-32) demonstrate that prostaglandin D is involved in pain.

sleep disorders, sleep-wake cycle disorders

Hayaishi (J. Biol. Chem. 263: 14593-14596, 1988) shows that sleep-wake cycles are regulated by prostaglandin D.

In light of the amendments made herein and the explanations provided. Applicants believe that claims are now patentable as they stand, and request that Examiner pass them to issue.

Please charge Deposit Account 01-0885 for any fees related to this response.

Respectfully submitted,

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enclosures:

Terminal Disclaimer (Separate Document)
Misumori (attached)
Pons (attached)
Uda (attached)
Eguchi (attached)
Hayaishi (attached)